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MANDATORY REVIEW
CASE # NLC 98-120
DOCUMENT # 20F

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STANDARDS AND PROCEDURES FOR SPECIAL COORDINATION COMMITTEE
REVIEW OF SENSITIVE FOREIGN INTELLIGENCE
COLLECTION OPERATIONS

1. The following standards and procedures are hereby established relating to Special Coordination Committee (SCC) review of proposed and ongoing sensitive foreign intelligence collection operations, pursuant to Sections 1-303 and 1-306 of Executive Order 12036.

Proposed Sensitive Collection Operations

2. It is the responsibility of the Director of Central Intelligence (DCI) to determine whether particular intelligence collection operations qualify as sensitive operations. In making these determinations the DCI will take into account the following considerations, among others:

- a. the risk of exposure or compromise of the operation;
- b. the likely consequence of exposure or compromise in terms of
 - (1) loss of human life;
 - (2) loss of valuable intelligence information or sources;
 - (3) detrimental foreign relations effects, including effects on current or planned treaty or other negotiations;
 - (4) damage to our national image, domestically and internationally;
- c. whether the conduct of the operation requires that an exception be made to otherwise applicable policies or regulations concerning the conduct of foreign intelligence activities.
- d. whether the operation involves any unresolved issues of legality or propriety.

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3. Proposed collection operations deemed by the DCI to be sensitive will be reported by the DCI to the Chairman of the SCC. The reports may be either oral or in writing. They will describe the nature and scope of the proposed operation, the reasons for its sensitivity, and the intelligence benefits to be derived. The Chairman may at any time require written elaboration of an oral report.

4. Collection operations not originally deemed to be sensitive by the DCI will be reported to the Chairman in the manner described in paragraph 3 above, if in the view of the DCI they become sensitive prior to being terminated.

5. With the concurrence of the Chairman, the DCI may report proposed sensitive operations by category, but in such cases the Chairman may require additional reports concerning any specific proposals falling within the category.

6. It is the responsibility of the Chairman to determine whether and to what extent proposed sensitive collection operations reported by the DCI should be reviewed by the SCC, and whether such operations should be subject to approval by the SCC.

Annual Review of Ongoing Sensitive Collection Operations

7. The SCC will conduct an annual review of ongoing sensitive collection operations. The Chairman will determine the scope of this review, including which specific operations or types of operations are to be covered. In this connection the Chairman may require such written or oral briefings by the DCI or other officials as he deems appropriate.

8. Following its annual review of sensitive foreign collection operations, the SCC will make such reports to the President as it deems appropriate.

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